

Filed for intro on 02/02/95
House Bill _____
By _____

Senate No. SB1037
By Fowler

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 8, Part 1, relative to the liability of the driver of an emergency vehicle and such driver's employer.

WHEREAS, it is the intent of the General Assembly in enacting this act to reverse the August 29, 1994, decision of the Tennessee Supreme Court in the case of Haynes v. Hamilton County, 883 S.W. 2d 606 (1994) now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Section 55-8-108, is amended by deleting subsection (e) in its entirety and substituting instead the following:

(e) The provisions of this section shall not apply to a police vehicle driven by a police officer as defined by Tennessee Code Annotated, Section 55-8-108(41).

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 8, Part 1, is amended by adding the following as a new section:

(a) A police officer driving an authorized emergency vehicle in response to an emergency call, or when in the pursuit of an actual or suspected violator of the law, may exercise the following privileges subject to the conditions stated in this section:

(1) Park or stand, notwithstanding the provisions of this chapter;

(2) Proceed past a red light or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(3) Exceed the speed limits and disregard regulations governing direction of movement or turning in specified directions so long as the police officer does not negligently operate such vehicle in a manner that causes damage to the life or property of one other than the actual or suspected violator of the law.

(b) The exemptions granted in subsection (a) shall apply only when such police officer's vehicle is making simultaneous use of audible and visual signals meeting the requirements of the applicable laws of this state, except that such vehicle may be equipped with or display a red light only in combination with a blue light visible from in front of the vehicle.

(c) No municipality or county nor the state or any of its political subdivisions, nor their officers or employees, shall be liable for any injury proximately or indirectly caused to an actual or suspected violator of a law or ordinance who is fleeing pursuit by a police officer. Notwithstanding any other provision of this section which may be construed to the contrary, the police officer's decision to pursue or to continue to pursue an actual or suspected violator of a law or ordinance who flees from such police officer shall not be a basis for liability to any person; provided, however, such police officer or the employer of such police officer may be liable for damages to a third party proximately caused by the negligent operation of the police vehicle.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.